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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,889	10/19/2001	Andy Rosa	ROSA 0104 PUS	8709

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EXAMINER

HWU, DAVIS D

ART UNIT PAPER NUMBER

3752

DATE MAILED: 02/11/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/039,889	Applicant(s) ROSA ET AL.	
	Examiner Davis Hwu	Art Unit 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. Applicant's amendment and remarks of January 6, 2004 are acknowledged and entered as paper number 11.
2. Applicant's remarks have been considered but are moot in view of the new ground(s) of rejection.
3. All of the appropriate 35 USC paragraphs can be found in the office action of June 12, 2003 and will be repeated herein.

Claim Rejections - 35 USC § 103

4. Claims 1, 2, 4-7, 9-11, 13-20, 22, 23, 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue in view of Ishikawa et al.

The patent to Inoue discloses a fluid application system for vehicles comprising:

- a fluid source 17 and 53;
- a pump 18 in fluid communication with the fluid source;
- a spray unit including a nozzle 9B in fluid communication with the pump;
- a sensor 11A adapted to output a vehicle detection signal, wherein the sensor is located at the first end of the boom (see Figure 1), the sensor is a light-based sensor as recited in claims 5-7;
- a controller 30 in operative communication with the sensor and the pump, the controller adapted to receive the vehicle detection signal, delay a first time period, and activate the pump for a second time period to deliver the fluid source by way of the spray unit to a detected vehicle as a function of the vehicle detection signal;

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- wherein the fluid source comprises first and second fluid sources (Column 8, line 3) in fluid communication with the pump, the pump adapted to receive the first and second fluid sources and communicate a mixture of the fluid sources to the spray unit as recited in claim 2;
- wherein the spray unit comprises a boom supporting a plurality of nozzles a first end, the boom configured to support the nozzles over a detected vehicle (Column 4, lines 18-19) as recited in claim 4;
- a selectable valve between the first fluid source and the pump as recited in claim 9 (Column 7, lines 65-67);
- regarding claim 15, the first and second ratios of the first and second fluid mixtures are delivered to the nozzles as a function of the type of vehicle detected by the sensors;
- regarding claim 17, nozzle 9A delivers only detergent and nozzle 9B delivers water or a water/wax mixture;
- wherein the system comprises three nozzles 8, 9A, and 9B as recited in claim 20.

Inoue does not disclose the controller being adapted to delay a first time period during time the spray unit is inactive and the vehicle is moving. The patent to Ishikawa et al. teaches a vehicle washing system comprising a controller adapted to receive a vehicle detection signal and delaying a first time period during which time the spray unit is inactive and the vehicle is moving in order to properly position the vehicle before starting the washing process. It would have been obvious to one having ordinary skill in

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the art at the time the invention was made to have modified the device of Inoue by adapting the controller to delay a first time period during which time the spray unit is inactive and the vehicle is moving as taught by Ishikawa et al. in order to properly position the vehicle before starting the washing process. Although Inoue and Ishikawa et al. does not specifically disclose the two different flow rates or the height above the ground as recited in claim 32, it would have been obvious to one of ordinary skill in the art that the device of Inoue operates at two different flow rates, one for high pressure spray cleaning and another for applying the water/wax mixture and to have activated the device according to the presence of an object between the recited heights. Inoue and Ishiwaka et al. do not disclose the time periods as recited in claims 18 and 19. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the time periods as recited, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. The device of Inoue and Ishikawa et al. is fully capable of carrying out the methods as recited in claims 26-28, 30, and 31.

5. Claims 3 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue in view of Ishikawa et al. as applied to claim 1 and further in view of Scheiter, Jr. and Rendemonti.

The patents to Inoue and Ishikawa et al. disclose the instant invention except for a rotary nozzle and a piston-type pump. The patent to Scheiter, Jr. teaches a fluid application system comprising rotary nozzles and Rendemonti teaches a fluid application system comprising a piston pump to supply a pre-determined quantity of

fluid. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Inoue and Ishikawa et al. by providing rotary nozzles as taught by Scheiter, Jr. to increase the area covered by the nozzles and to use a piston-type pump as taught by Rendemonti to supply a pre-determined quantity of fluid.

6. Claims 8, 12, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue in view of Ishikawa et al. and in further view of Larson et al.

The patents to Inoue and Ishikawa et al. disclose the instant invention except for the sensor being an ultrasonic sensor directed underneath the first end of the boom. The patent to Larson et al. teaches a fluid application system comprising photoelectric sensors PE-1 and PE-2 and an ultrasonic sensor US-5 to detect a vehicle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Inoue and Ishikawa et al. by using ultrasonic sensors and photoelectric sensors as taught by Larson et al. since such modifications are known in the art and the device of Inoue would function properly with such a modification. The placement of the sensor is an obvious matter of design choice since the sensor would carry out its function regardless of its location.

7. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue in view of Ishikawa et al. and in further view of Tamburri.

The patents to Inoue and Ishikawa et al. disclose the instant invention except for the portable structure. The patent to Tamburri teaches a mobile car washing system which can be readily moved from place to place. It would have been obvious to one having

ordinary skill in the art at the time the invention was made to have modified the device of Inoue and Ishikawa et al. by converting it into a mobile car washing system as taught by Tamburri in order to be able to readily move the device to a desirable location.

8. Claims 33-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. '779 and Scheiter, Jr.

The patent to Jones et al. '779 discloses a stationary fluid application system for a vehicle driven by an operator comprising a fluid source, a control valve, a spray unit comprising a boom supporting at least one nozzle 36 at a first end, the boom configured to support the nozzle over the vehicle as recited, a sensor adapted to output a vehicle detection signal as recited, and a controller as recited (Column 5, lines 19-66). Jones et al. do not disclose a rotary nozzle. The patent to Scheiter, Jr. teaches a fluid application system comprising rotary nozzles. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Jones et al. by providing rotary nozzles as taught by Scheiter, Jr. to increase the area covered by the nozzles. It would have been obvious to one of ordinary skill in the art that the device of Inoue operates at two different flow rates, one for high pressure spray cleaning and another for applying the water/wax mixture. The use of an oscillating nozzle as recited in claim 39 would have been an obvious matter of design choice.

9. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. '779 in view of Scheiter, Jr. as applied to claim 33 above, and further in view of Tamburri.

The patents to Jones et al. and Scheiter, Jr. disclose the instant invention except for the portable structure. The patent to Tamburri teaches a mobile car washing system which can be readily moved from place to place. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Jones et al. and Scheiter, Jr. by converting it into a mobile car washing system as taught by Tamburri in order to be able to readily move the device to a desirable location.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Jones et al. '801 is pertinent to Applicant's invention.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis Hwu whose telephone number is 703-305-1663. The examiner can normally be reached on M-F 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y. Mar can be reached on (703)308-2087. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0861.



Davis Hwu